

AO 121

To: Mail Stop 8 Director of Patents and Trademarks PO BOX 1450 Alexandria VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116, you are hereby advised that a court action has been filed in the U.S. District Court for the District of Utah on the following



Patents



Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:08-cv-00501-PMW	06/30/2008	Central District of Utah 350 South Main Street, Room 150, Salt Lake City, UT 84101
PLAINTIFF		DEFENDANT
CAO Group		Dentsply International
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See Complaint and Exhibits		
2 6,953,340	6,929,472	
3 6,971,875	6,932,600	
4 6,979,193		
5 6,331,111		

In the above-entitled case, the following patents(s) have been included:

DATE INCLUDED	INCLUDED BY
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
1 6,719,558	
2 6,719,559	
3 6,755,648	
4 6,783,362	
5 6,926,524	

In the above-entitled case, a final decision had been rendered or judgment issued:

DECISION / JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE

DISTRIBUTION :

1) Upon initiation of action
mail copy to Commissioner &
lodge a copy in the file

2) Upon filing of document adding copyright(s),
mail copy to Commissioner &
lodge a copy in the file

3) Upon termination of action,
mail copy to Registrar of Copyrights &
lodge a copy in the file.

FILED
U.S. DISTRICT COURT
2008 JUN 30 P 4:10
DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

John P. Ashton (0134)
Clark K. Taylor (5354)
VAN COTT BAGLEY CORNWALL & MCCARTHY
36 South State Street, Suite 1900
Salt Lake City, Utah 84111
Telephone: (801) 532-3333
Facsimile: (801) 534-0058

Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT OF UTAH
DISTRICT OF UTAH, CENTRAL DIVISION

CAO GROUP, INC., a Utah corporation,

Plaintiff,

v.

DENTSPLY INTERNATIONAL, Inc.,
a Delaware corporation

Defendant.

**COMPLAINT
(Jury Demanded)**

Case: 2:08cv00501
Assigned To : Warner, Paul M.
Assign. Date : 6/30/2008
Description: CAO Group v. Dentsply
International

Plaintiff Cao Group, Inc. ("Cao Group") hereby complains against Defendant Dentsply International, Inc. ("Dentsply") as follows:

JURISDICTION AND VENUE

1. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. A substantial part of the events giving rise to this action occurred in both this judicial district and the District of Utah, meaning venue is proper in both this judicial district and the District of Utah pursuant to 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

PARTIES

3. Cao Group is a corporation organized and existing under the laws of the State of Utah, with its principle place of business located in West Jordan, Utah.

4. Upon information and belief, Dentsply International, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principle place of business located in York, Pennsylvania.

FACTUAL BACKGROUND

5. Cao Group is the owner of the following patents relating to dental curing lights:

- a. 6,331,111, entitled "Curing Light System Useful for Curing Light Activated Composite Materials";
- b. 6,719,558, entitled "Curing Light";
- c. 6,719,559, entitled "Curing Light";
- d. 6,755,648, entitled "Curing Light";
- e. 6,783,362, entitled "Dental Curing Light Using Primary and Secondary Heat Sink Combination";
- f. 6,926,524, entitled "Curing Light";
- g. 6,929,472, entitled "Curing Light";
- h. 6,932,600, entitled "Curing Light";

- i. 6,953,340, entitled "Light for use in activating light-activated materials, the light having a detachable module containing a heat sink and a semiconductor chip";
- j. 6,971,875, entitled "Dental Curing Light"; and
- k. 6,979,193, entitled "Curing Light."

(collectively, the Cao Group Patents).

6. Cao Group has developed dental curing light products embodying the inventions of the Cao Group Patents, and has spent considerable time, effort, and resources developing and promoting its products embodying the inventions of the Cao Group Patents.

7. In this judicial district and throughout the United States, Dentsply manufactured, used, sold or offered for sale its SmartLite iQ 2 and PS curing light products ("Dentsply Products"), which embody the inventions of and are covered by one or more claims of the Cao Group Patents.

8. Upon information and belief, Dentsply has engaged, and continues to engage, in the manufacture, use, distribution, sale or offer for sale of dental curing light products embodying the inventions of the Cao Group Patents in this judicial district and throughout the United States.

9. On or about December 13, 2006, counsel for Cao Group sent a letter to Dentsply, informing Dentsply of the Cao Group Patents and offering to license the use of such patents to Dentsply. (A copy of which is attached hereto as Exhibit A.)

10. On or about February 22, 2007, counsel for Cao Group sent another letter to general counsel for Dentsply, again offering to license the Cao Group Patents to Dentsply. (A copy of which is attached hereto as Exhibit B.)

11. Again, on or about April 11, 2007, counsel for Cao Group sent another letter to general counsel for Dentsply, providing an analysis of the Dentsply Products in light of the Cao Group Patents and concluding that the Dentsply Products were covered by one or more of the CAO Group Patents. (A copy of which is attached hereto as Exhibit C.)

12. On June 2 and again on July 5, 2007 counsel for Cao Group sent letters to general counsel for Dentsply restating its conclusion that the Dentsply Products infringed the Cao Group Patents and offering to license the Cao Group Patents to Dentsply. (A copy of each is attached hereto as Exhibit D.)

13. Defendant acknowledged the letters in return correspondence, but denied infringing the Cao Group Patents.

14. The letters sent to Defendant on behalf of Cao Group provided notice to Defendant of the Cao Group Patents and numerous other patents and pending patent applications owned by Cao Group covering dental curing light technologies.

15. Defendant therefore knew about the Cao Group Patents at least as early as December 13, 2006.

16. Notwithstanding clear notice of the Cao Group Patents, Dentsply chose to continue its manufacture, use, sale or offer for sale of the inventions developed and patented by Cao Group.

17. Dentsply continues its infringement of the Cao Group Patents by manufacturing, using, selling or offering for sale the inventions developed and patented by Cao Group.

18. Dentsply's manufacture, use, distribution, and sale of the Dentsply Products are malicious and willful and done with knowledge that the accused dental curing light products would infringe one or more claims of the Cao Group Patents.

FIRST CLAIM FOR RELIEF

(Patent Infringement)

19. Cao Group repeats and realleges the allegations made in Paragraphs 1-18 as if fully set forth herein.

20. Since the dates of issuance, Cao Group has been and remains the owner of the Cao Group Patents.

21. Dentsply has infringed, induced infringement of, and contributorily infringed and continues to infringe, induce infringement of, and contributorily infringe the Cao Group Patents by, among other things, making, using, selling or offering to sell in the United States, including in this judicial district, dental curing lights embodying the patented inventions and covered by one or more claims of the Cao Group Patents.

22. On information and belief, each of Dentsply's acts of infringement have been malicious, willful, and deliberate, having been done with full knowledge of the Cao Group Patents and knowledge that the Dentsply Products infringed the Cao Group Patents.

23. Cao Group has been damaged by the acts of Dentsply, and is entitled to recover damages from Dentsply in an amount adequate to compensate Cao Group for the infringement that has occurred, but in no event less than a reasonable royalty for the use made by Dentsply of the inventions, plus attorney fees pursuant to 35 U.S.C. § 285, interest and costs.

24. By reason of the foregoing conduct of Dentsply, Cao Group will suffer irreparable harm and damage, which damage will be difficult to ascertain, leaving Cao Group with no adequate remedy at law, and thereby entitling Cao Group to injunctive relief enjoining Dentsply from further infringing the Cao Group Patents.

PRAYER FOR RELIEF

WHEREFORE, Cao Group demands judgment in its favor and against Dentsply requiring Dentsply to appear and answer and, at trial or final hearing, that Cao Group recover from and against Dentsply the following relief:

1. An adjudication that Dentsply has infringed one or more claims of one or more of the Cao Group Patents, both directly and either contributorily or by inducement.
2. Actual damages, the amounts of which shall be proven at trial;
3. Statutorily increased damages, in an amount not less than treble the actual damages;
4. An award and/or order for an accounting of damages;
5. An award and/or order finding this case to be exceptional;
6. An order that Dentsply deliver to Cao Group, for destruction at Cao Group's option, all products that infringe the Cao Group Patents;
7. Costs of Court;
8. Attorney fees and expenses as permitted by law;
9. An order permanently enjoining Dentsply, its agents, officers, assigns and others acting in concert with Dentsply from infringing, inducing infringement of, or contributing to infringement of the patents in suit; and

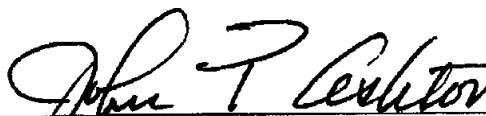
10. All other relief to which Cao Group is entitled.

DEMAND FOR JURY TRIAL

Cao Group demands a trial by jury on all issues.

DATED this 30 day of June, 2008.

VAN COTT BAGLEY CORNWALL & MCCARTHY



John P. Ashton
Clark K. Taylor
Attorneys for Plaintiff

Plaintiff's Address:

DENTSPLY INTERNATIONAL
Susquehanna Commerce Center
221 West Philadelphia Street
York, PA 17405

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS CAO Group, Inc., a Utah corporation,	DEFENDANTS Dentsply International, Inc.
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorney's (Firm Name, Address, and Telephone Number) VanCott Bagley Cornwall & McCarthy, 36 S State St., Ste 1900, Salt Lake City, UT 84111 - (801) 532-3333	Attorneys (If Known) BY: <u>DEPUTY CLERK</u>

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> </tr> <tr> <td><input checked="" type="checkbox"/> 1 Citizen of This State</td> <td><input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State</td> <td><input checked="" type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td><input type="checkbox"/> 2 Citizen of Another State</td> <td><input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td><input type="checkbox"/> 3 Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	<input checked="" type="checkbox"/> 1 Citizen of This State	<input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2 Citizen of Another State	<input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
PTF	DEF	PTF	DEF														
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<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														


IV. NATURE OF SUIT (Place an "X" in One Box Only)			
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employees' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Set TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)						
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Brief description of cause: Patent Infringement
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE	DOCKET NUMBER
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DATE 6/30/08	SIGNATURE OF ATTORNEY OF RECORD 
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RECEIPT #	AMOUNT	APPLYING IFP
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Case: 2:08cv00501
 Assigned To : Warner, Paul M.
 Assign. Date : 6/30/2008
 Description: CAO Group v. Dentsply International